



STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

Manufactured/Mobile Home Landlord-Tenant Complaint Determinations Report

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Director

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I. EXECUTIVE SUMMARY

The 2006 Legislature passed a budget proviso (ESSB 6384, Section 108(7)) directing the Department of Community, Trade and Economic Development (CTED) to:

1. Determine the number of complaints made to the department since May 2005.
2. Produce a summary of the number and types of complaints.
3. Determine whether complaints made, in the best estimate of the department, presented violations of Chapter 59.20 RCW.
4. Maintain a register of manufactured and mobile home communities in the state.

Between May 2005 – November 2006 CTED examined 827 issues, of which, 455 or 55 percent were determined to present a violation of the Manufactured/Mobile Home Landlord-Tenant Act. Of the 55 percent determined to present violations, all violations were by the landlord.

II. BACKGROUND

A. CHAPTER 429, LAWS OF 2005 (ESHB 1640)

The 2005 Legislature passed ESHB 1640 to expand temporarily complaint investigation and dispute resolution resources and duties by the Office of Manufactured Housing (OMH), within the Housing Division of the Department of Community, Trade and Economic Development (CTED). On May 13, 2005, ESHB 1640 went into effect, and it expired on December 31, 2005.

The legislation required CTED to register and maintain a list of manufactured housing communities, the number of lots in each community, and their owners. The legislation also directed CTED to collect and submit data on complaints and outcomes of conflict resolution efforts.

ESHB 1640 prohibited the Department from making or issuing "...any finding, conclusion, decision, or ruling on whether there was a violation of chapter 59.20 RCW...", the Manufactured/Mobile Home Landlord-Tenant Act.

CTED presented its report to the Legislature in December 2005.

B. 2006 BUDGET PROVISIO (ESSB 6384 SECTION 108(7))

The 2006 Legislature passed budget proviso ESSB 6384, Section 108(7). The proviso directed CTED to determine in its "best estimate" how many complaints received since May 2005 presented a violation of Chapter 59.20 RCW and to produce a summary of the number and types of complaints.

To be in alignment with legislative direction and improved systems within CTED, OMH reviewed complaints for two periods:

- Period 1: May 13, 2005- December 31, 2005
- Period 2: January 1, 2006 – November 31, 2006

The budget proviso also required CTED to continue to maintain and update a database with information about mobile home parks and manufactured housing communities, and to provide a report regarding those activities and results of the program by December 31, 2006.

III. DATA

A. METHODOLOGY

Since OMH case managers are neither attorneys nor advocates for complaining parties, OMH:

1. Received training from its assigned Assistant Attorney General on what would be regarded as violations of the law.
2. Developed criteria that would be used to determine that violations of the law were presented.
3. Attended the Investigator Training offered by the Department of Personnel. This training is a pre-requisite for individuals who investigate¹ on behalf of the State of Washington.
4. Developed procedures for making determinations.

The criteria used to make determinations included:

1. Respondent received a written complaint and had at least 30 days to commence remedial action.
2. Complaints presented appeared to have a statutory basis under Chapter 59.20 RCW.

Period 1 Process: Cases from May 13, 2005 – December 31, 2005:

OMH examined cases reported to the legislature in December 2005 to meet ESHB 1640. Staff worked in teams so the case manager was able to make decisions with consultation and support from a second team member. The second team member contributed to the process by looking up the case in the database, assisting the case manager with referencing Chapter 59.20 RCW and by entering information and determinations in the spreadsheet.

After the initial review of their own caseload was complete, case managers then made determinations about cases from the other case managers' ESHB caseload. To provide an unbiased opinion, the case managers (and their team members) did not have access to the other case manager's decision. The determination about whether a violation of Chapter 59.20 RCW was presented was tracked in a spreadsheet.

After both case manager teams made their determinations, the teams shared results and identified cases that had determination differences. The program manager led a team discussion to arrive at a decision when determinations conflicted.

Period 2 Process: Cases from January 1, 2006 – November 31, 2006:

Building on the experience of Period 1 determinations, CTED decided that the same level of judgment and objectivity could be realized with two case managers working together to review

¹ ESHB 1640 (chapter 429, Laws of 2005) Sec. 3(3) (a) and (b) refer specifically to department staff conducting investigative duties. The budget proviso [ESSB 6384 §108(7)] requires implementation of landlord-tenant ombudsman conflict resolution program as generally described in §3, chapter 429, Laws of 2005.

all complaints. A violation determination, in CTED's best estimate, was reached on all cases without disagreement.

B. COMPLAINT SUMMARY

In Period 1, staff reviewed 168 complaints, which included 510 issues. Complaints were defined by ESHB 1640 as the complainant provided documentation that the other party had been notified and the timelines to remedy had been met. A single complaint can have multiple issues. In Period 2, OMH reviewed 140 complaints, which included 317 issues.

The ESHB 1640 Report and Data Supplement submitted to the Legislature reported more complaints and issues than were reviewed for this determinations report. This is due to several factors:

- Database start up problems: The time available under ESHB 1640 – seven and a half months from the effective date to the expiration date – presented challenges. As required, staff began notifying complainants of the new law immediately after it was signed. Simultaneously, and as quickly as possible, new procedures and data collection systems were developed and implemented. This resulted in data collection procedures changing and improving after the effective date of May 13, 2005.
- Data collection procedures: Prior to the passage of ESHB 1640, complainants were not required to provide written notice to the other party before filing a complaint with OMH. Therefore, issues reported by complainants were tracked during the intake stage, not at the formal complaint stage. This resulted in issues being tracked for individuals that did not ultimately file a complaint, as defined by ESHB 1640.
- Cases not applicable: Some cases reported under ESHB 1640 were not appropriate to be reviewed for determinations, such as cases that were closed and reported as non-1640/Residential Landlord-Tenant Act or information only.

C. IMPROVED SYSTEMS

Because of ESHB 1640, the Landlord-Tenant Program has improved data collection and retention efforts. The Program has developed clear processes and procedures for recording and tracking data. CTED is working to develop a reporting feature to assess current caseload and to make changes as needed for reporting requirements.

The Landlord-Tenant Program has improved its tracking of actions associated with a case and, for the first time, has benchmark data that can be used for comparison. After making determinations as required by the budget proviso, the Landlord-Tenant Program has begun a full review of the issues tracked during the complaint process. The Program now tracks complaints by community owner/manager and resident. OMH has improved its issues list to correspond more closely with discreet sections of Chapter 59.20 RCW. In addition, OMH is no longer tracking calls under the issues category if only information or technical assistance was requested.

Cases are only opened in the database when complainants submit a completed form. In an effort to ensure consistent data tracking, issues are tracked at the open case stage, meaning issues are only tracked once a complainant has filed a formal complaint. OMH has designed and are implementing an improved database reflecting streamlined intake, case management, and data retrieval processes.

D. DETERMINATIONS

Period One (May – December 2005): Of the 510 issues reviewed (168 complaints), 266 were deemed to not present a violation (52%) while 244 were determined to present a violation (48%).

Period Two (January – November 2006): Of the 317 issues reviewed (140 complaints), 106 were deemed to not present a violation (33%) while 211 were determined to present a violation (67%)

Combined Results:

Total issues reviewed: 827

Total complaints reviewed: 308

Total percent of issues presented violation: 55%

Total percent of issues did not present violation: 45%

Of the 55% determined to present violations, all violations were by the landlord. Because most complaints involve more than one issue or problem, the 827 issues examined represent a total of 308 complaints filed between May 2005 – November 2006.

E. MANUFACTURED HOUSING COMMUNITIES UPDATE

Manufactured housing community registration was a one-time requirement under ESHB 1640 that expired on December 31, 2005. However, a few community owners continued to send registration forms and pay fees well into 2006. In addition, a number of manufactured housing communities throughout the state closed and were removed from the park list. These elements generate updates in the list of manufactured housing communities maintained by OMH as required by the budget proviso. The list is updated monthly on the OMH website to reflect these changes (See Appendix C.)

F. CLIENT SURVEY

The Housing Division has begun designing methods to obtain client satisfaction data as a part of its work with the Governor's office through its Government Management, Accountability and Performance (GMAP) activities. In addition, staff wanted to learn from current clients about potential gaps in service. As a work group within the Housing Division at CTED, OMH decided to begin testing client satisfaction during this reporting period.

While no effort was made to obtain statistically valid random samplings, initial telephone responses to twelve questions from 58 clients have been tabulated and are included under Appendix D, Client Survey Results.

Summary Survey Highlights:

- 85% surveyed believed the OMH contact was helpful.
- 86% would recommend the Landlord-tenant program to someone else.
- Slightly more clients, 37%, contacted the OMH to file a formal complaint than they did to obtain information, 34%.
- 53% would like training about the government's authority related to manufactured and mobile homes.
- 40% would like training about conflict resolution and mediation.

Many clients offered other comments, which are provided under Appendix D.

The survey was a first for the Landlord-Tenant Program. It should be viewed as a preliminary effort that will improve over time.

APPENDIX A: DETERMINATIONS RESULTS

ISSUE (alleged in complaints)	Occurrences	Violation Presented	No Violation Presented
DIFFICULTIES WITH COMMUNITY MANAGER/OWNER	115	0	115
PARK RULES			
Applied unfairly; retaliatory or discriminatory in nature	141	28	113
LEASE CONTENT			
Lack of required items or interpretation discrepancies	81	9	72
PARK AMENITIES			
Differing expectations for either use of carports, community room, pool, storage, etc. or payment for their maintenance	79	77	2
PARK MAINTENANCE			
Failure of landlord to perform maintenance	107	105	2
SAFETY HEALTH/HAZARD			
Dangerous trees, overflowing dumpster, standing or contaminated water	57	53	4
HARASSMENT			
Unfair treatment of landlord, tenant or tenant's family/guests/employees/caregivers	18	10	8
LOT/HOME MAINTENANCE			
Lack of maintenance by tenant or landlord	23	23	0
UTILITIES			
Charging utility fee in excess of actual usage; failure to provide utilities as provided in lease agreement	23	23	0
EVICITION			
Fear of eviction or received eviction notice from landlord	37	26	11
WATER CONCERNS			
Lack of adequate water pressure, water drainage resulting in standing water	13	13	0
RENT ISSUES			
Lack of proper rent increase notice or increases not identified in RCW 59.20	42	12	30
LACK OF LEASE			
Lot rental without a lease agreement	33	28	5
RETALIATION			
Retaliatory behavior towards tenant or tenant's family/employee/caregiver/guest (once landlord notified of complaint)	12	12	0

DEPOSITS			
Park occupancy deposit questions; failure to return deposit	5	5	0
WATER ACCESS			
No water hookups on tenant lot; allegations of landlord limiting water usage	4	4	0
SELLING HOME PROBLEM			
Landlord hindering efforts to sell tenants home	6	5	1
SHED MAINTENANCE			
Permanent structure requiring landlord to maintain; landlord's failure to maintain as an amenity or requiring maintenance by resident	5	4	1
PROPERTY/LOT			
Lot boundaries not clearly defined	3	2	1
DIFFICULTIES WITH MOBILE HOME RESIDENT			
	3	0	3
SEWER PROBLEMS			
Lack of maintenance of sewer/septic system	2	2	0
DISCRIMINATION			
Disparate treatment based on race, religion, marital status, creed, etc.	6	5	1
WATER QUALITY			
Water does not meet drinking water standards	1	1	0
FINANCIAL TRANSACTION			
Difficulties selling home or unfulfilled financial agreements	1	1	0
PETS			
Pets allowed in park against rules, or not allowed conditionally (e.g. support animals)	3	2	1
LEASE TRANSFER			
Withholding transfer of lease	1	1	0
MHP CLOSURE			
	3	3	0
NEIGHBORS			
	2	1	1
NON-NEGOTIABLE COMMUNITY OWNER			
	1	0	1
TOTAL	827	455	372

APPENDIX B. BUDGET PROVISIO LANGUAGE

ESSB 6384

Section 108(7)

(7) \$200,000 of the appropriation from the Washington Housing Trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the Office of Mobile Home Affairs as generally described in section 3, chapter 429, Laws of 2005. The Office of Mobile Home Affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The Office of Mobile Home Affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The Office of Mobile Home Affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the House of Representatives and the Senate by December 31, 2006.

APPENDIX C. MANUFACTURED HOUSING COMMUNITIES UPDATE

Registration Data as of November 30, 2006

Number of known parks (presumed to meet definition of 59.20 RCW) * Not all known parks are registered	1,639
Number of parks registered	1,451*
* Reflects the total number of parks registered minus parks that have closed	
Percentage of parks registered	89%
Number of spaces registered	65,620
Average spaces per registered park	45
Amount received in registration fees (\$5 per space)	\$329,610

Registration Data as of December 31, 2005

Number of known parks (presumed to meet definition of 59.20 RCW)	1,829
Number of parks registered	1,366
Percentage of parks registered	75%
Number of spaces registered	61,953
Average spaces per registered park	45
Amount received in registration fees (\$5 per space)	\$309,765

APPENDIX D: CLIENT SURVEY RESULTS

When during your contact with the Office of Manufactured Housing (OMH) is this survey being conducted?	Response Total	Response Percent
At the beginning of your contact	37	63.8%
During contact with OMH	0	0.0%
At the end of contact with OMH	21	36.2%
Total Respondents	58	
(skipped this question)	1	

How did you first contact the Office of Manufactured Housing?	Response Total	Response Percent
In person	1	1.8%
Reached a case manager on the telephone	31	54.4%
Left message on the automated voice mail	23	40.4%
Other (please specify)	5	8.8%
Total Respondents	57	
(skipped this question)	2	

Why did you call the Office of Manufactured Housing (OMH)?	Response Total	Response Percent
To help me with a dispute	28	47.5%
To file a complaint	22	37.3%
To get information regarding my eviction	5	8.5%
To get other information regarding mobile or manufactured housing	20	33.9%
Other (please specify)	4	6.8%
Total Respondents	59	
(skipped this question)	0	

What would best describe your contact with the Office of Manufactured housing?	Response Total	Response Percent
Contact with your office was helpful	49	84.5%
Contact with your office was not helpful	8	13.8%
Other (please specify)	2	3.4%
Total Respondents	58	
(skipped this question)	1	

How much time was spent on your question or complaint by our office?	Response Total	Response Percent
Too much time	1	1.8%
The right amount of time	51	91.1%
Not enough time	5	8.9%

Total Respondents	56
(skipped this question)	3

The information you received was valuable:	Response Total	Response Percent
1. Strongly Agree	41	70.7%
2. Mildly Agree	11	19.0%
3. Neutral	2	3.4%
4. Mildly Disagree	1	1.7%
5. Strongly Disagree	3	5.2%
Total Respondents	58	
(skipped this question)	1	

The staff of the Office of Manufactured Housing was knowledgeable:	Response Total	Response Percent
1. Strongly Agree	51	87.9%
2. Mildly Agree	4	6.9%
3. Neutral	1	1.7%
4. Mildly Disagree	1	1.7%
5. Strongly Disagree	1	1.7%
Total Respondents	58	
(skipped this question)	1	

The staff of the Office of Manufactured Housing was courteous:	Response Total	Response Percent
1. Strongly Agree	55	94.8%
2. Mildly Agree	2	3.4%
3. Neutral	0	0.0%
4. Mildly Disagree	0	0.0%
5. Strongly Disagree	1	1.7%
Total Respondents	58	
(skipped this question)	1	

The staff of the Office of Manufactured Housing was timely?	Response Total	Response Percent
1. Strongly Agree	47	81.0%
2. Mildly Agree	7	12.1%
3. Neutral	2	3.4%
4. Mildly Disagree	1	1.7%
5. Strongly Disagree	1	1.7%
Total Respondents	58	

(skipped this question) 1

Would you recommend the services of Manufactured Housing Landlord Tennant Program to someone else?	Response Total	Response Percent
Yes	50	86.2%
No	5	8.6%
Unsure	3	5.2%
Total Respondents	58	
(skipped this question)	1	

If made available in the future would you like additional training in:	Response Total	Response Percent
Landlord Tenant Act	28	48.3%
Government authority related to manufactured and mobile homes	29	50.0%
Resident park purchase process	12	20.7%
Tenant organizations	14	24.1%
Conflict resolution and mediation	22	37.9%
Don't want training	12	20.7%
Other (please specify)	7	12.1%
Total Respondents	55	
(skipped this question)	4	

Do you have any other suggestions for changes that would improve the Office of Manufactured Housing's Landlord-Tenant Program?	Response Total	Response Percent
Total Respondents	48	
(skipped this question)	11	

12. Do you have any other suggestions for changes that would improve the Office of Manufactured Housing's Landlord-Tenant Program?

Open-Ended Response

You do a really good job. Whatever happens I really sincerely appreciate you taking the time with me to help me find a way to resolve this thing.

Thank you for calling back and for your time.

Thanks for all your help. How can we make park management be more responsible?

Enforcement- legal services available to protect low income persons living in manufactured homes.

Oh! You're going to send me something? That's really helpful because the phone can be hard for me. Thank you.

Don't think so.

Caleb is a new park manager and will contact MHCW for more info and legal info. Thank you for all your help and for calling me.

I don't know how helpful the information is yet, but I appreciate you calling me back.

Very much appreciated. Thank you for the referral to MHCW.

Not at this time

Need teeth in the law- provide enforcement

It doesn't seem very hopeful that they will take responsibility even though this is nothing of my doing. This is my only home. What are the odds of my winning in court if I can't afford an attorney?

How is what you do different from mediation?

Would like enforcement to even the playing field.

Caller is too old to worry about training. would like training for park owners-managers so they would respect the law.

more clean laws

At least a step in the right direction. You're not the law- we need more protection.

Managers should know what the law says.

Would like to see the law protect us.

It's pathetic that you have this organization and can't do anything to help people. Residents need to be protected.

Managers should be trained.

The legislature needs to pay attention to residents because we are

none to my knowledge

enforcement authority

Great- more than you should be doing if no one is enforcing the law at least government provides information and clarify what it says

Thank you for doing your best with me. I'll take the information and decide what to do.

Not sure until [he sees] outcome

Enforcement capability; accountability on landlords

To have investigators come out and enforce state laws

enforcement capability

since [you] are paid state employees [you] should have authority- we need legal enforcement

Two of the ladies I worked with were very helpful

No enforcement. Please add it to help us stay out of court. Binding arbitration?

No, job was well done, thank you.

Get the program some teeth

Case was closed too soon. No follow up on our situation. Staff acted like they did not care about our problems. If

L&I is considering taking over the service, maybe they would be willing to visit our park and help us.

Could the program please have more authority? Make park owners play by rules.

Your office should have more clout. Owners need to be held responsible.

None

If you were able to do more about rules, that would be helpful.

Teeth. If you could do something, you could help.

Please add more capabilities re: enforcement. Staff was very helpful. I did not follow through with my complaint.

add enforcement

add more teeth so you can be more helpful

Please don't share the name of the complainant with the landlord. Our situation is now worse then when we called OMH.

Really appreciate your return call

Supports the efforts of the homeowners' asc. to sponsor/support legislation to 'put teeth' in the law.

All residents recommend you. Thank you for the information. Now I have some idea what to do.

I want to thank you for your expertise